

1
2
3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6
7 FREE RANGE CONTENT, INC., et al.,
8 Plaintiffs,
9 v.
10 GOOGLE INC.,
11 Defendant.

Case No. [14-cv-02329-BLF](#)

**ORDER STRIKING PLAINTIFFS'
OPPOSITION TO MOTION TO
DISMISS THIRD AMENDED
COMPLAINT**

[Re: ECF 99, 100]

12
13 On November 10, 2015, Plaintiffs filed their Opposition to Defendant’s Motion to Dismiss.
14 ECF 99. Defendant objects to the Opposition on the grounds that it violates the Court’s Standing
15 Order Re Civil Cases with respect to the use of footnotes. ECF 100. Plaintiffs filed a brief in
16 response to Defendant’s objection. ECF 101.

17 The Standing Order provides that footnotes “are to be used sparingly and citations to
18 textual matter shall not be contained in footnotes.” Standing Order at 4. Every page of the
19 Opposition contains at least two—and, on one page, eight—footnotes. *See* Opp. at 3. The lines
20 consumed by single-spaced footnotes outnumber the lines of double-spaced text on nearly half of
21 the brief’s pages. *See* Opp., *see also* Def.’s Obj. at 1. Defendant notes that, through this use of
22 footnotes, Plaintiffs included 451 lines of single-spaced text—the equivalent of more than 16
23 pages had Plaintiffs complied with the Local Civil Rules’ requirement that text in the body of the
24 brief be double-spaced with no more than 28 lines per page, *see* Civ. L. R. 3-4(c)(2).

25 The Court has previously remarked on Plaintiffs’ use of “copious (and frankly excessive)
26 footnotes.” *See* Order Granting Mot. for Recon., ECF 91 at 6, n. 2. Plaintiffs’ use of footnotes in
27 its Opposition clearly violates the Court’s Standing Order.

28 Accordingly, the Court STRIKES Plaintiffs’ Opposition to Defendant’s Motion to Dismiss

1 the Third Amended Complaint. The Court ORDERS Plaintiffs to file an opposition that complies
2 with the Standing Order and Local Civil Rules, contains no footnotes, and does not exceed 25
3 pages inclusive of the signature page by no later than November 25, 2015. Pursuant to the parties'
4 stipulated briefing schedule, Defendant's Reply shall be due no later than December 16, 2015.

5 **IT IS SO ORDERED.**

6
7 Dated: November 16, 2015



BETH LABSON FREEMAN
United States District Judge